

**FULWIDER • PATTON**  
FULWIDER PATTON LEE & UTECHT, LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CALIFORNIA 90045  
(310) 824-5555 • (310) 824-9696 FAX

RECEIVED  
CENTRAL FAX CENTER

MAR 10 2005

FACSIMILE TRANSMISSION

Date: March 10, 2005

	<u>Telephone</u>	<u>Facsimile</u>
To: Examiner Winnie S. Yip USPTO	703-308-2491	703 872-9306 703 308-3519

CONFIDENTIALITY NOTICE

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF ORIGINAL DOCUMENTS TO US.

From: David G. Parkhurst

Re: Serial No. 10/788,782

Client/Matter: EZUP0 67823

Number of pages (Incl. this page): 6

If You Do Not Receive All Pages, Please Call (310) 824-5555

☐ Original to follow ☒ Original will NOT follow

COMMENTS/MESSAGE:

Examiner Yip,

Attached is the Terminal Disclaimer

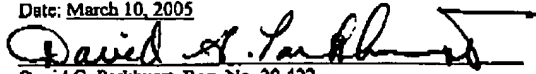
82899.1

MAR 10 2005

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3637

I hereby certify that this paper is being facsimile transmitted to the  
United States Patent and Trademark Office to (703) 872-9306 and  
(703) 308-3519 on the date shown below.

Date: March 10, 2005

  
David G. Parkhurst, Reg. No. 29,422IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK C. CARTER

Serial No.: 10/788,782

Filed: February 27, 2004

For: ERECTABLE CANOPY WITH  
REINFORCED ROOF STRUCTURE

Examiner: Winnie S. Yip

Group Art Unit: 3637

Client ID/Matter No. EZUP 67823

March 10, 2005

Los Angeles, California 90045

TRANSMITTAL OF TERMINAL DISCLAIMER

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is supplemental to the Amendment of February 22, 2005, in reply to the final  
Action of December 22, 2004.

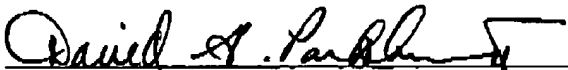
The Applicant wishes to thank the Examiner for the indication in the telephone  
conference with the undersigned on March 9, 2005, that the application would be

allowable upon the submission of a terminal disclaimer with respect to the prior Patent No. 6,701,949, and prior Patent No. 6,502,597. It is believed that with the attached Terminal Disclaimer with respect to prior Patent No. 6,701,949, and prior Patent No. 6,502,597, the application should now be in condition for allowance. The Commissioner is authorized to charge the amount of \$65.00 for the fee for filing the disclaimer to our Deposit Account No. 06-2425.

In light of the foregoing, favorable reconsideration and an early favorable action in this regard are respectfully requested.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
David G. Parkhurst  
Reg. No. 29,422

DGP/rvw

Encls.: Return Postcard  
Terminal Disclaimer

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201

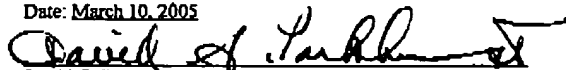
RECEIVED  
CENTRAL FAX CENTER

PATENT

MAR 10 2005

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office to (703) 872-9306 and (703) 308-3519 on the date shown below.

Date: March 10, 2005

  
David G. Parkhurst, Reg. No. 29,422IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MARK C. CARTER

Serial No.: 10/788,782

Filed: February 27, 2004

For: ERECTABLE CANOPY WITH  
REINFORCED ROOF STRUCTURE

Examiner: Winnie S. Yip

Group Art Unit: 3637

Client ID/Matter No. EZUP 67823

March 10, 2005

Los Angeles, California 90045

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION37 C.F.R. 1.321(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The petitioner, Mark C. Carter, is the owner of 100 percent interest in the instant application, Serial No. 10/788,782, filed February 27, 2004, for ERECTABLE CANOPY WITH REINFORCED ROOF STRUCTURE, which is a continuation of Serial No. 10/337,945 filed January 6, 2003, now U.S. Patent 6,701,949, which is a continuation of Serial No. 10/052,292 filed January 18, 2002, now U.S. Patent 6,502,597, which is a

Divisional of Serial No. 09/490,860 filed January 24, 2000, now U.S. Patent 6,382,224, which is a continuation in part of Serial No. 09/131,148 filed August 7, 1998, now U.S. Patent 6,041,800, and a continuation in part of Serial No. 09/277,250 filed March 26, 1999, now U.S. Patent 6,076,312, which is a continuation of Serial No. 09/025,897 filed February 18, 1998, now U.S. Patent 5,921,260, continuation of Serial No. 08/823,616 filed March 25, 1997, now U.S. Patent 5,797,412, continuation of Serial No. 08/604,801 filed February 23, 1996, now U.S. Patent 5,632,293, continuation of Serial No. 08/279,476 filed July 25, 1994, now U.S. Patent No. 5,511,572. To the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/788,782, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,701,949, and prior Patent No. 6,502,597, which are also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior Patent No. 6,701,949, and prior Patent No. 6,502,597 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior Patent No.

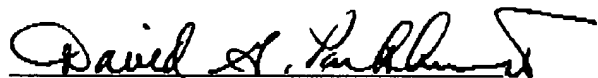
6,701,949, and/or prior Patent No. 6,502,597, as presently shortened by any terminal disclaimer, in the event that either of them later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 10, 2005

Date



David G. Parkhurst  
Reg. No. 29,422